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**Litigation**  
**& Arbitration Chambers**

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July 16, 2008

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Hon. Paul A. Crotty  
United States District Court  
Southern District of New York  
Daniel P. Moynihan U.S. Courthouse  
500 Pearl Street, Suite 735  
New York, New York 10007

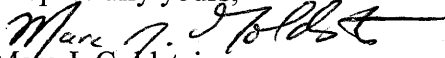
Re: *Dempsey Pipe & Supply Co. v. T. Co. Metals LLC*, 07 CV 7749 (PAC)

Dear Judge Crotty:

In connection with entry of judgment in this case, we wish to clarify that the amount of the judgment should include prejudgment interest on sums awarded by the Arbitrator for attorneys' fees and arbitration costs, a net amount of \$24,625 in favor of Dempsey Pipe, on which interest should accrue from April 20, 2007 to the date of judgment. The decision whether to award such prejudgment interest is in the discretion of the Court, but there is a presumption in favor of prejudgment interest in a judgment enforcing an arbitration award in the Second Circuit, and the custom is to apply the New York statutory rate of 9% (which here is also the rate applied by the Arbitrator). *See, e.g., Herrenknecht Corp. v. Best Road Boring*, 2007 U.S. Dist. LEXIS 28495 at \*7-8 (S.D.N.Y. Apr. 16, 2007) (Judge Keenan)(citing cases).

Thank you for your consideration of this issue.

Respectfully yours,

  
Marc J. Goldstein

cc. Alfred J. Kuffler, Esq. (by E Mail)  
Lathrop B. Nelson III, Esq. (by E Mail)

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